UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,540	11/05/2003	Timothy J. Moulsley	PHB 34,266C	8237

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EXAMINER
TORRES, JOSEPH D

ART UNIT	PAPER NUMBER
2133	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	10/701,540	MOULSLEY, TIMOTHY J.
	Examiner	**Art Unit**	
	Joseph D. Torres	2133	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 April 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

    b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

        Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b)☐ They raise the issue of new matter (see NOTE below);

    (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

        NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: *1,3,4 and 11-32*.

    Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☒ Other: <u>See Continuation Sheet.</u>

JOSEPH TORRES
 PRIMARY EXAMINER

Joseph D. Torres, PhD
 Primary Examiner
 Art Unit: 2133

Continuation of 13. Other: The Applicant contends, "Accordingly, this passage regarding a puncturing/repetition factor simply provides no disclosure or suggestion whatsoever of a transmitter or receiver, or method of operating a transmitter or receiver, which involves selecting a rate matching pattern depending on an associated bit deletion or repetition pattern that is selected to ensure that deleted or repeated bits of a data block are not required to enable all bits from a digital input to be reconstructed as set foe in independent claims 1. 20, 27 and 28."

The Examiner asserts that any channel coding is applied to ensure that digital information at the receiver can be reconstructed. If deleted bits were required for the digital input to be reconstructed, then it would be impossible to recover the data and the 3GPP protocol would be useless. The 3GPP document teaches that, in spite of the deletion of bits from channel encoded data, a receiver is still capable of fully recovering the original input data as long as the maximum number of errors falls within the error correction capabilities of the punctured code. The punctured bits are not required for recovering the input data, otherwise; the receiver would not be able to recover the data.

The Applicant contends, "wherein each row of the matrix includes a maximum of one of the change bits".
Figure 4-2 in 3GPP teaches that interleaving is applied the rate matched data channel encoded data block. Section 4.2.4 in 3GPP teaches a rate matching algorithm is used to provide a rate-matching pattern for the channel coded data block. Section 4.2.3 in 3GPP teaches that the rate-matched channel coded data is interleaved according to the time offsets provided in table 4-3 on page 18 (Note: the rate-matched channel coded block data is derived from the rate matching algorithm and corresponds to the rate matching pattern; hence is substantially the rate matching pattern). In the Applicant's last response filed 12/09/2004, the applicant stated, "Applicant respectfully submits that 'change bits' are being introduced here as being part of the matrix." Hence change bits are 0 or 1, 1 being a maximum. The all rows in the puncturing matrices in Figure 15 of Yi have a 1, i.e., have a maximum value.

The Applicant contends, "where the change bits are offset with respect to each other along adjacent columns of a matrix of the rate matching pattern."
Figure 4-2 in 3GPP teaches that interleaving is applied the rate matched data channel encoded data block. Section 4.2.4 in 3GPP teaches a rate matching algorithm is used to provide a rate-matching pattern for the channel coded data block. Section 4.2.3 in 3GPP teaches that the rate-matched channel coded data is interleaved according to the time offsets provided in table 4-3 on page 18. Hence interleaving is a means for time offsetting the rate-matching pattern along adjacent columns of a matrix.